

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA,  
NORTHERN DIVISION**

**HAZEL M. ROBY, as Administratrix of )  
the Estate of RONALD TYRONE )  
ROBY, Deceased, )**

**Plaintiff, )**

**v. )**

**BENTON EXPRESS, INC., et al, )**

**Defendants. )**

**CIVIL ACTION NO.: 2:05CV494-T**

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**WITHDRAWAL OF MOTION TO COMPEL**

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COMES NOW the Defendant, Benton Express, Inc., and hereby withdraws its Motion to Compel that was filed with the Court on September 8, 2005. Defendant has now received the Plaintiff's responses to the discovery requests that were the subject of the Motion. Though the Motion to Compel is withdrawn, Defendant reserves the right to file a motion at a later date regarding the sufficiency of the Plaintiff's responses to said discovery requests.

Respectfully submitted,

s/ Gregory A. Brockwell  
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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following on this the 14th day of September, 2005:

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